



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,138	03/25/2004	Paul Jeffrey Garnett	5681-88700	7727
58467	7550	09/29/2008		
MHKKG/SUN				
P.O. BOX 398				
AUSTIN, TX 78767				
			EXAMINER	
			EASTMAN, AARON ROBERT	
		ART UNIT	PAPER NUMBER	
		3745		
		MAIL DATE	DELIVERY MODE	
		09/29/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,138

Applicant(s)

GARNETT, PAUL JEFFREY

Examiner

Aaron R. Eastman

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) 7,10,13,14 and 26-28 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6,8,9,11,12,15-25 and 29-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 31, 2008 have been fully considered but they are not persuasive. Applicant's arguments in re claims 29, 30 and 32 are not persuasive as to show nonobviousness of the claims.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening configured to receive a handle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Please note that the only figure that shows an opening configured to receive a handle as claimed is figure 3D. All of the figures with the exception of figures 4 and 5 show an obstruction (strut, loop or partial loop) that would prevent an opening from receiving a handle as claimed. It is noted in figures 4 and 5 that even though no obstruction is shown that an obstruction is part of the construction as evidenced by page 11, lines 12-15 of the specification entered March 25, 2004. For the purposes of examination, only figure 3D of the instant application is considered.

New Matter

3. The amendment filed July 31, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 3D and the amendments made to the specification dated July 31, 2008 are not supported by the original disclosure as filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6, 8, 9, 11, 12, 15-25 and 29-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation. An opening configured to receive a handle is not disclosed shown in the original specification and drawings.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 8, 11, 17, 18, 20, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 5,490,452 (Schlosser et al. hereinafter).

8. In re claim 1 Schlosser et al. discloses an apparatus comprising:

a fan housing;

a grill (100) capable of being mounted on a surface of the fan housing, the grill (100) comprising:

a substantially planar portion; and

a handle extending out of the substantially planar portion so as to extend away from the surface of the fan housing when the grill (100) is mounted thereon;

wherein the grill is configured to be stacked with substantially similar grills when apart from the fan housing;

wherein the substantially planar portion of the grill (100) comprises an opening capable of receiving a handle of a substantially similar grill (100) when two or more substantially similar grills are stacked, apart from their respective fan housings, such that the substantially planar portions of the stacked grills (100) are substantially parallel when the grills (100) are stacked;

wherein the opening is substantially coplanar with the substantially planar portion.

9. In re claim 2, Schlosser et al. discloses the grill of Claim 1, wherein said substantially planar portion comprises a plurality of apertures.

10. In re claim 3, Schlosser et al. discloses the grill of Claim 2, wherein at least two of said plurality of apertures are arranged in a grid.

11. In re claim 4, Schlosser et al. discloses the grill of Claim 1, wherein said substantially planar portion comprises at least one shaped wire arranged to form a loop (12) or partial loop.

12. In re claim 8, Schlosser et al. discloses the grill of Claim 1, wherein the handle comprises a first piece of wire extending in a loop or partial loop away from said substantially planar portion.

13. In re claim 11, Schlosser et al. discloses the grill of Claim 1, further comprising one or more mounting formations for mounting the grill on the fan housing.

14. In re claim 17, Schlosser et al. discloses a grill according to Claim 1, wherein the grill comprises:

a section of wire shaped to form at least one loop (12) or partial loop arranged in a common plane, including an outermost loop (12) or partial loop;

a section of wire shaped to provide support for each loop or partial loop;
a first section of wire shaped to form a handle portion of the handle; and
at least one mounting formation.

15. In re claim 18, Schlosser et al. discloses the grill of Claim 17, wherein the section of wire forming the handle portion extends away from said common plane, and wherein either end of that section wire is attached to said outermost loop (12).

16. In re claim 20, Schlosser et al. discloses the grill of Claim 17, wherein said handle portion comprises at least one additional section of wire.

17. In re claim 34, Schlosser et al. discloses the grill of claim 1, wherein the handle comprises a partial loop; and
wherein a plane of the partial loop of the handle is substantially perpendicular to a plane of the substantially planar portion of the grill.

18. In re claim 35, Schlosser et al. discloses the grill of claim 1, wherein the opening is configured to receive the handles of three or more substantially similar grills when stacked on top of the substantially similar grill such that the substantially planar portions of the stacked grills are substantially parallel when the grills are stacked.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 5, 6, 9, 12, 15, 16, 19, 21-25, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. in view of US Patent Number 5,822,186 (Bull et al. hereinafter).

21. In re claim 5, Schlosser et al. discloses all of the limitations except for wherein said substantially planar portion comprises a plurality of said loops or partial loops.

22. Bull et al. teaches a fan grill (18) comprising a substantially planar portion comprising a plurality of said loops or partial loops.

23. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schlosser et al. to include a plurality of said loops or partial loops as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of adding structural rigidity.

24. In re claim 6, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

25. In re claim 9 the Schlosser et al. modification in re claim 5 discloses the claimed invention except for wherein the handle comprises at least one additional piece of wire, each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a handle comprising at least one additional piece of wire, each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire, since it has been held that mere duplication of the

essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8.

26. In re claim 12, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

27. In re claim 15, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

28. In re claim 16 the Schlosser et al. modification in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation and strut and a portion of the handle are integrally formed from a piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the at least one mounting formation and strut and a portion of the handle so that they are integrally formed from a piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

29. In re claim 19 the Schlosser et al. modification in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation comprises at least two mounting formations formed from shaped wire, the at least two mounting formations and the handle portion being formed from a common section of wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Schlosser et al. device by adding at least one mounting formation comprising at least two mounting formations formed from shaped wire, the at least two mounting

formations and the handle portion being formed from a common section of wire, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8 and it has also been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

30. In re claim 21 the Schlosser et al. modification in re claim 9 discloses the claimed invention except for wherein the first section of wire and the additional sections of wire forming the handle portion are joined together with a weld or a brazing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Schlosser et al. device by joining the first section of wire and the additional sections of wire forming the handle portion with a weld or a brazing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

31. In re claim 22, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

32. In re claim 23, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

33. In re claim 24, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

34. In re claim 25, the Schlosser et al. modification in re claim 5 discloses all of the limitations.

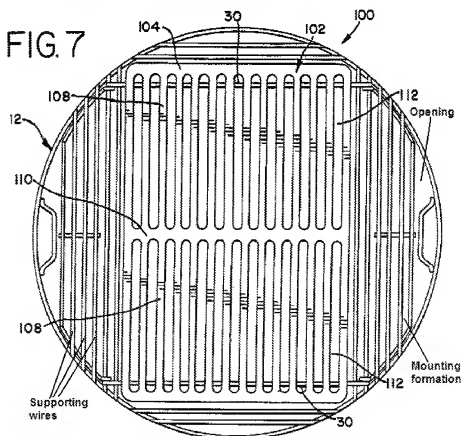
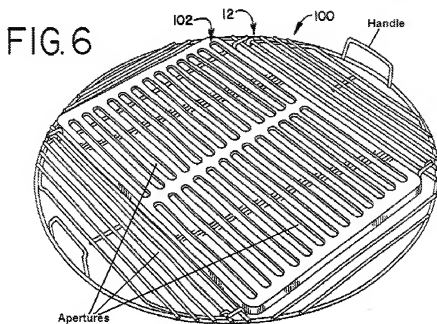
35. In re claim 29 the Schlosser et al. modification in re claim 9 discloses the claimed invention except for wherein each additional piece of wire is attached to the first piece of wire with at least one weld or brazing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Schlosser et al. device by joining each additional piece of wire to the first piece of wire with at least one weld or brazing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

36. In re claim 30 the Schlosser et al. modification in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation and a portion of the handle are integrally formed from a single piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Schlosser et al. device so that the at least one mounting formation and a portion of the handle are integrally formed from a single piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

37. In re claim 31, the Schlosser et al. modification in re claim 30 discloses all of the limitations of claim 31.

38. In re claim 32 the Schlosser et al. modification in re claim 5 discloses the claimed invention except for wherein at least one strut and at least a portion of the handle are integrally formed from a single piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Schlosser et al. device so that least one strut and at least a portion of the handle are integrally formed from a single piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

39. In re claim 33, the Schlosser et al. modification in re claim 32 discloses all of the limitations of claim 33.



Figures 6 and 7 of US Patent Number 5,490,452 (Schlosser et al. hereinafter)

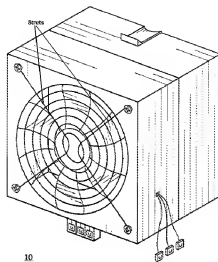


FIG. 1

Figure 1 of US Patent Number 5,822,186 (Bull et al. hereinafter)

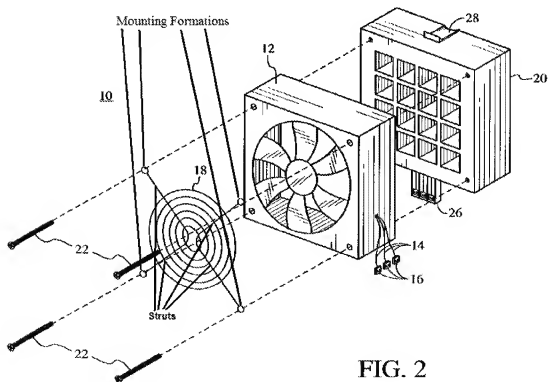


FIG. 2

Figure 2 of Bull et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron R. Eastman whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Thu 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron R. Eastman/
Examiner, Art Unit 3745

/Edward K. Look/
Supervisory Patent Examiner, Art Unit 3745